THE HON'BLE SRI JUSTICE D.S.R.VARMA

Writ Petition No.23954 of 1995

Dated: 08th August, 2006

Between:

P.Venkat Raju, S/o.P.Subba Raju,
Aged 37 years, Occ: Casual Driver in APSRTC,
Cantonment Depot, Secunderabad

... Petitioner

and

1. The Managing Director, A.P.S.R.T.C.,
   Musheerabad, Hyderabad
   and three others

... Respondents

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Writ Petition No.23954 of 1995

Oral Order:

Heard.

2. This Writ Petition is filed challenging the award, dated 15-10-1993, in I.D.No.248 of 1989, passed by the Chairman, Additional Industrial Tribunal, Hyderabad.

3. The only portion in the award, which is impugned, is as under:

> "…… But, as he himself gave a letter of resignation saying he got a job elsewhere, he shall be taken as a fresh candidate, if he applies for."

4. Of course, a further direction was also sought to direct the respondents to treat the service of the petitioner as continuous from the date of his appointment and provide all other consequential benefits flows from such service.

5. Apparently, the Tribunal had taken into consideration the evidence on record, particularly the admission specifically made by the Workman-petitioner, who stated that he was employed gainfully elsewhere.

6. Hence, having regard to the said statement by the petitioner and as settled by the apex Court time and again,
a person, who is gainfully employed during the pendency of the dispute, also, cannot ask for any benefit for the period in which he was employed elsewhere. Precisely, that is the reason why the Tribunal, while passing the award, gave liberty to the Workman to make an application to the employer seeking appointment and in which event, the same shall be considered and appointment be given by the respondents treating the same as a fresh appointment.

7. In other words, the interest of the Workman is safeguarded not prejudiced in any manner.

8. Therefore, I do not find any reason to interfere with the impugned award passed by the Tribunal.

9. With the above observations, this Writ Petition is dismissed. No costs.

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D.S.R.VARMA, J

08th August, 2006.

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